

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

| | | |
|------------------------|---|-----------------------------------|
| BRENDA BELDEN, |) | 1:05-cv-00421-SMS |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | ORDER REQUIRING COMPLIANCE |
| |) | WITH SCHEDULING ORDER |
| JO ANNE B. BARNHART, |) | (Doc. 7) |
| Commissioner of Social |) | |
| Security, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

Plaintiff is proceeding with counsel in this action seeking judicial review of a final decision of the Commissioner of Social Security denying her application for benefits.

____On October 18, 2005, plaintiff filed an Opening Brief (Doc. 14), which the Court has reviewed. The Court finds that the Opening Brief fails to comply with paragraph 11 of the Court's Scheduling Order (Doc. 7) that issued on March 30, 2005, and that was served on plaintiff.

The Court, on its own motion, hereby grants plaintiff an extension of time within which to comply with the directions of the Court set forth in the Scheduling Order.

1 Accordingly, plaintiff SHALL FILE an Amended Opening Brief
2 that complies with the requirements set forth in paragraph 11 of
3 the Scheduling Order by November 30, 2005.

4 Defendant need not respond to plaintiff's Opening Brief
5 filed October 18, 2005. However, unless otherwise ordered by the
6 Court, defendant must respond to plaintiff's Amended Opening
7 Brief by filing a responsive brief within **thirty (30) days** from
8 the date of service of plaintiff's Amended Opening Brief. All
9 other deadlines set forth in the Scheduling Order shall apply.

10 Plaintiff is forewarned that failure to comply with an order
11 of the Court may result in sanctions, including dismissal,
12 pursuant to the inherent power of the Court or the Federal Rules
13 of Civil Procedure. Fed. R. Civ. P. 41(b), 11; Local Rule 11-110;
14 Chambers v. NASCO, Inc., 501 U.S. 31, 42-43 (1991).

15 Further, plaintiff is informed that if she fails to timely
16 file an Amended Opening Brief, pursuant to this Order, that
17 complies with the requirements of paragraph 11 of the Scheduling
18 Order, this action will be DISMISSED for plaintiff's failure to
19 comply with an order of the Court.

20 IT IS SO ORDERED.

21 **Dated: November 10, 2005**
22 icido3

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE